

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 57 – 71, and 73 – 88 are currently pending in this application. Claims 1 – 56 and 72 were previously canceled without prejudice. Claims 57, 64, 71, 76, and 82 are amended for clarity.

Examiner Interview

Applicants thank the Examiner for granting a telephonic interview with the Applicants' representative on June 22, 2010. During the telephonic interview the § 112 rejections were discussed. The Examiner suggested language claim language, based on the specification, that would overcome the § 112 rejection.

Claim Rejections - 35 U.S.C. § 112

Claims 57 – 88 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 57, 64, 71, 76, and 82 are amended for clarity in accordance with the Examiner's suggestion. Withdrawal of the § 112 rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 57 – 62, 64 – 69, 71 – 84, and 86 - 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0142691 to Jollota et al. (hereinafter “Jollota”) in view of U.S. Patent No 6,330,459 to Crichton et al. (hereinafter “Crichton”).

Claim 85 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jollota in view of Crichton and in further view of U.S. Patent No 6,593,880 to Velazquez et al. (hereinafter “Velazquez”).

Claims 63, 70, and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jollota in view of Crichton and in further view of U.S. Patent No 5,396,541 to Anderson et al. (hereinafter “Anderson”).

Jollota does not disclose a base station configured to detect an omnidirectional sounding pulse from a wireless transmit/receive unit (WTRU) on a frequency that is in close proximity to uplink and downlink frequencies and is different from the uplink and downlink frequencies as is recited in independent claims 57, 64, 71, 76, and 82 (emphasis added). Jollata teaches the use of a standard Bluetooth Inquiry (paragraph [0021]). One skilled in the art would recognize that a standard Bluetooth Inquiry is transmitted using an uplink frequency and is not equivalent to the omnidirectional sounding pulse recited in independent claims 57, 64, 71, 76, and 82.

In addition, Jollota does not disclose receiving from the interface a relative location of the WTRU and a notification to establish a wireless communication with the WTRU as is recited in independent claims 57, 64, 71, 76, and 82.

The examiner asserts that Crichton remedies this deficiency. The Applicants respectfully disagree. Crichton teaches that a base station receives a request for access/service on a wide-area random access channel (RACH) having a dedicated frequency within the communication system (column 5, lines 35 – 38). The ‘communication system’ instructs the base station to respond to the request for access (column 5, line 55 – column 6, line 5). The control processor in the base station determines a direction of arrival of a signal (column 9, lines 15 – 21). The base station directs a beam at the communication device based on a direction of arrival of the RACH at the antenna of the base station (column 5, lines 55 – 65). Thus, Crichton does not disclose a base station receiving a relative location of a WTRU as is recited in independent claims 57, 64, 71, 76, and 82 (emphasis added). Instead, the base station estimates the angle of reception and thus, calculates rather than receives a relative location.

Similarly, both Velazquez and Anderson fail to teach, suggest, or imply the elements recited in independent claims 57, 64, 71, 76, and 82.

Crichton, Velazquez, and Anderson, taken alone or in combination, do not remedy the deficiencies of Jollota. Therefore claims 57, 64, 71, 76, and 82 are distinguishable over the combination of Jollota, Crichton, Velazquez, and Anderson.

Claims 58 – 63, 65 – 70, 72 – 75, 77 – 81, and 83 - 88 depend from claims 57, 64, 71, 76, and 82 respectively, and the Applicants believe these claims are allowable over Jollota, Crichton, Velazquez, and Anderson for at least the reasons provided above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claim 57 – 88 is respectfully requested.

Applicant: Cave et al.
Application No.: 10/626,165

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Cave et al.

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